

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YEVGENY DUBINSKY,

Plaintiff,

v.

TD SERVICE CO, ET AL.,

Defendants.

No. C 11-05751 CRB

ORDER DISMISSING CASE


Defendant TD Service Co. moved to dismiss this case in December 2011, then re-noticed its motion in January 2012. See Mot. (dkt. 6, 12). Plaintiff failed to timely oppose Defendants' Motion, but did respond to the Court's Order to Show Cause, indicating his intent to prosecute this case and asking the Court for an extension of time – until March 7, 2012 – to file his opposition. See Response (dkt. 15). Despite Plaintiff's having provided the Court with no explanation for his failure to timely file an opposition brief, or for his need for an extension, the Court granted Plaintiff's request, noting that it would do so "on this one occasion." See Order (dkt. 16). The Court moved the hearing date back to accommodate the revised briefing schedule. Id.

Two days before the hearing on Defendant's Motion, Plaintiff filed a one paragraph "Motion to Extend Time," in which he requested "a 30 day extension of time to work on discoveries affiliated with this case." See Mot. for Extension (dkt. 27). That Motion

1 contains no explanation for Plaintiff's need for an extension. See id. The Court did not
2 receive a chambers copy of the Motion for Extension, as required by Civil Local Rule 5-1,
3 and the Court had not ruled on the Motion for Extension at the time of the hearing on
4 Defendant's Motion to Dismiss. On Friday, April 6, 2012, the Court proceeded with the
5 hearing on Defendant's Motion to Dismiss, and Plaintiff failed to appear. See Minutes (dkt.
6 29). Accordingly, the Court DISMISSES the case for failure to prosecute under Federal Rule
7 of Civil Procedure 41(b).

8 **IT IS SO ORDERED.**

9
10 Dated: April 6, 2012



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California